

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

RUFUS LEE DEAN-BEY,

Plaintiff,

v.

LITHIA MOTORS, INC. et al.,

Defendants.

Case No. 3:21-cv-01055-SB

OPINION AND ORDER

MOSMAN, J.,

On July 30, 2021, Magistrate Judge Stacie F. Beckerman issued her Findings and Recommendation (“F&R”) [ECF 5], recommending that this court grant Plaintiff’s application to proceed *in forma pauperis* [ECF 2] and dismiss the action without prejudice for lack of subject matter jurisdiction. No objections were filed. Upon review, I agree with Judge Beckerman. I GRANT the application and DISMISS this action with leave to amend.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court


is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge Beckerman's recommendation and I ADOPT the F&R [ECF 5]. I GRANT Plaintiff's application to proceed *in forma pauperis* [ECF 2] and DISMISS his complaint with leave to amend.

IT IS SO ORDERED.

DATED this 11 day of September, 2021.



MICHAEL W. MOSMAN
United States District Judge